



Blachly, Tabor, Bozik & Hartman, LLC

February 26, 2018

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**RE: Taylor (Smith) Burks v. Checkers Drive-In Restaurants, Inc. d/b/a Rally's
Cause No. 3:17-cv-316 PPS-MGG**

Dear Counsel:

On Feb. 2, 2018, we received by regular mail the discovery requests Defendant's propounded upon the Plaintiff on Jan. 29th. By our calculation, Plaintiff's discovery responses are due no later than Monday, March 5, 2018, pursuant to Fed. R. Civ. Pro. Rules 6(a)(1)(C) and 6(d). We forwarded them to our client for her responses, but despite due diligence will not be able to complete Plaintiff's answers to interrogatories and responses to the production requests by the deadline to do so. We request an additional 28 days to complete Plaintiff's discovery responses, making them due by Monday April 2, 2018. If Defendants have any objection to our request for additional time to respond, please contact me immediately. If we do not hear from you we will assume there is no objection. We are sorry for any delay or inconvenience this may cause.

Separately, in response to my letter to you dated Jan. 25, 2018, pursuant to Local Rule 37-1, we received on Feb. 7, 2018, Defendant's "amended" responses and objections to Plaintiff's request for production of documents. Unfortunately, Defendant's Amended Responses still do not comply with Fed. R. Civ. Pro. Rule 34(b)(2)(C), which requires a party to specifically state whether any responsive material was withheld based on any objection made. In an effort of compromise to settle this discovery dispute, we again respectfully request that Defendant comply with Rule 34(b)(2)(C). We respectfully ask that you supplement Defendant's prior responses to

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219.464.1041
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Lake County Office
219.738.2824

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260.459.3288



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be compliant with Rule 34(b)(2)(C) by indicating in response to Requests #3, #4, #5, #7, #8, #9, #10, #11, #12, #13, #15, #16, #17, #18, #19, #21, #22, #24, #25, #27, #28, #29, #30, #45, #46, #47, #49, #50, #51, #52, #53, #54, #55, #56, #57, #58, #59 and #60 whether any responsive material was withheld to each and every one of these Requests based on Defendant's boilerplate objection, and request same be received in my office no later than Monday, March 12, 2018. As of the date of this letter, you have failed to provide me with legal authority from the Seventh Circuit to the contrary.

The intent behind the 2016 change to the federal rules concerning producing documents was to eliminate the Court's consideration of briefs and oral argument to Compel production of documents ultimately determined not to exist. If I do not receive Defendant's supplemental Response by March 12, 2018, I will assume you are not going to correct your omission in responding to each of Requests #3, #4, #5, #7, #8, #9, #10, #11, #12, #13, #15, #16, #17, #18, #19, #21, #22, #24, #25, #27, #28, #29, #30, #45, #46, #47, #49, #50, #51, #52, #53, #54, #55, #56, #57, #58, #59 and #60 and comply with Rule 34(b)(2)(C). Thereafter, regardless of whether after we have received Defendant's supplemental response to Plaintiff's First Request for Production of Documents, which specifically states whether any responsive documents have been withheld in compliance with Fed. R. Civ. Pro. Rule 34(b)(2)(C), Plaintiff will address other specific objections to Defendant's Responses to Plaintiff's discovery papers in further detail and if necessary file a Motion to Compel seeking our attorney's fees in making/filing Plaintiff's Motion.

Very truly yours,
BLACHLY TABOR BOZIK & HARTMAN LLC

By: 

Colby A. Barkes, Esq.

CAB:cac